

Expedited Bill No. 16-04
Concerning: Transportation – Fees –
Council Resolution
Revised: 6-24-04 Draft No. 3
Introduced: May 27, 2004
Enacted: July 13, 2004
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Transportation and Environment Committee

AN EXPEDITED ACT to:

- (1) require certain transportation-related fees, fares, and similar charges to be set by Council resolution subject to the approval of the County Executive; and
- (2) generally amend the law regarding transportation-related fees, fares, and charges.

By amending

Montgomery County Code
Chapter 2, Administration
Section 2-57

Chapter 31, Motor Vehicles and Traffic
Sections 31-9, 31-21, 31-31, 31-33, 31-46, 31-48, 31-51, 31-57, and 31-62

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Sections 2-57, 31-9, 31-21, 31-31, 31-33, 31-46, 31-48, 31-51, 31-57,**
 2 **and 31-62 are amended as follows:**

3 **Division 10. Department of Public Works and Transportation.**

4 **2-57. [Reserved] Fees and Charges.**

5 All fees, charges, and fares for any transportation or transportation-related
 6 service or product provided by the Department must be set by Council resolution
 7 adopted after a public hearing and approved by the Executive, unless any law
 8 expressly requires a different process. If the Executive disapproves a resolution
 9 within 10 days after it is adopted and the Council readopts it by a vote of six
 10 Councilmembers, or if the Executive does not act within 10 days after the Council
 11 adopts it, the resolution takes effect.

12 **31-9. Impounding illegally parked vehicles, impeding traffic[[, etc]].**

- 13 (a) Any vehicle parked in violation of this article or otherwise parked so as
 14 to constitute a definite hazard to public safety or is so parked, stopped or
 15 standing so as to impede or obstruct the normal movement of traffic or
 16 pedestrians, may be impounded by members of the department of police
 17 or other authorized persons designated by the county executive.
- 18 (b) In any case involving the impoundment of a vehicle [pursuant to] under
 19 this Section, an administrative cost [not to exceed twenty-five dollars
 20 (\$25.00) or such lesser amount as established from time to time by the
 21 county executive by executive regulation adopted under method (3) of
 22 section 2A-15 of this Code, shall] set by Council resolution adopted
 23 [[after a public hearing]] as provided in Section 2-57 must be charged to
 24 the owner of the vehicle, in addition to all fines and penalties assessed
 25 pursuant to any violation of this chapter plus any towing or storage
 26 charges incurred. All such fines, penalties, costs and charges [shall]

27 must be paid to the County [or its agent] before the owner may reclaim
28 or secure the release of the vehicle.

29 **31-21. Impounding illegally parked vehicles.**

30 (a) Any vehicle parked in violation of this article or otherwise parked so as
31 to constitute a definite hazard to public safety or is so parked, stopped or
32 standing so as to impede or obstruct the normal movement of traffic or
33 pedestrians, may be impounded by members of the department of police
34 or other authorized persons designated by the county executive.

35 (b) In any case involving the impoundment of a vehicle [pursuant to] under
36 this section, an administrative cost [not to exceed twenty-five dollars
37 (\$25.00) or such lesser amount as established from time to time by the
38 county executive, by executive regulation adopted under method (3) of
39 section 2A-15 of this Code, shall] set by Council resolution adopted
40 [[after a public hearing]] as provided in Section 2-57 must be charged to
41 the owner of the vehicle, in addition to all outstanding fines and
42 penalties assessed pursuant to violations of this article plus any towing
43 or storage charges incurred.

44 (c) All such fines, penalties, costs and charges [shall] must be paid to the
45 County [or its agent] before the owner may reclaim or secure the release
46 of the vehicle.

47 **31-31. Impounding illegally parked vehicles.**

48 (a) Any vehicle parked in violation of this article or otherwise parked so as
49 to constitute a definite hazard to public safety or is so parked, stopped or
50 standing so as to impede or obstruct the normal movement of traffic or
51 pedestrians, may be impounded by members of the department of police
52 or other authorized persons designated by the county executive.

(b) In any case involving the impoundment of a vehicle pursuant to this section, an administrative cost [not to exceed twenty-five dollars (\$25.00), or such lesser amount as established from time to time by the county executive by executive regulation adopted under method (3) of section 2A-15 of this Code, shall] set by Council resolution adopted [[after a public hearing]] as provided in Section 2-57 must be charged to the owner of the vehicle, in addition to all outstanding fines and penalties assessed pursuant to violations of this article plus any towing or storage charges incurred.

(c) All such fines, penalties, costs and charges [shall] must be paid to the County [or its agent] before the owner may reclaim or secure the release of the vehicle.

31-33. Authority of county executive to establish fees, time limits[[, etc]].

(a) Parking meters.

(1) The [county executive is hereby authorized to provide] County Executive by executive order may authorize [for] the installation, maintenance and operation of parking meters along, and limiting the time motor vehicles may park on, [the streets, highways and alleys] any street or road located [throughout] in the County and on public parking facilities acquired by or leased to and operated by the County, by use of parking meters or otherwise[; and,].

(2) The [county executive may adopt regulations under method (3) of section 2A-15 of this Code to] Council by resolution adopted [[after a public hearing]] as provided in Section 2-57 must prescribe parking meter or other fees for parking [on such] at parking facilities[,] and on streets[, highways, alleys] and roads.

* * *

31-46. Impounding illegally parked vehicles.

- (a) Any vehicle unlawfully parked within any parking space as provided in this article for a period in excess of [thirty (30)] 30 minutes may be taken into possession by the police officers of the county or other authorized person designated by the county executive, and towed to some proper storage place.
- (b) In any case involving the impoundment of a vehicle pursuant to this section, an administrative cost [not to exceed twenty-five dollars (\$25.00), or as shall be established from time to time by the county executive by executive regulation adopted under method (3) of section 2A-15 of this Code, shall] set by Council resolution adopted [[after a public hearing]] as provided in Section 2-57 must be charged to the owner of the vehicle, in addition to all outstanding fines and penalties assessed pursuant to violations of this article plus any towing and storage charges incurred as a result of impoundment. All such fines, penalties, costs and charges [shall] must be paid to the County [or its agent] before the owner or operator may reclaim or secure the release of the vehicle.

31-48. Parking Permit Areas.

* * *

- (h) The [Executive may adopt a regulation under method (3) to] Council by resolution adopted [[after a public hearing]] as provided in Section 2-57 must establish fees in amounts sufficient to pay the costs incidental to the issuance and renewal of permits under this Section.

* * *

31-51. Authority of county executive to administer and enforce chapter, establish and collect fines; signs.

(a) The [county executive] Council must:

(1) [establish by Executive regulation under method (3)] set by Council resolution adopted [[after a public hearing]] as provided in Section 2-57, after review by the district court of Maryland for Montgomery County, a schedule of fines or other penalties for violations of [the provisions or regulations of] this Chapter, except that:

(A) the fine for parking in a fire lane must not be less than \$250;

(B) the fine for violating restrictions on parking in a space reserved for people with disabilities must not be less than \$250; and

(C) other such fines and penalties must not exceed those imposed for a class B violation;

31-57.Failure to pay or comply; penalty in addition to fine.

(a) [In the event said] If the owner or operator [fails to] does not comply with the preceding sections and the instructions provided on a notice of violation within the period prescribed by this Article, the fine for such violation [shall] must be increased by an additional penalty [not to exceed ten dollars (\$10.00), or as shall otherwise be established from time to time by written regulation of the county executive adopted under method (3) of section 2A-15 of this Code] set by Council resolution adopted [[after a public hearing]] as provided in Section 2-57.

* * *

31-62. Impounding or immobilizing vehicles after enumerated violations generally.

* * *

(c) In any case involving the impoundment or immobilization of a vehicle pursuant to this section, an administrative cost [not to exceed twenty-five dollars (\$25.00), or such lesser amount as established from time to time by the county executive by executive regulation adopted under method (3) of section 2A-15 of this Code, shall] set by Council resolution adopted [[after a public hearing]] as provided in Section 2-57 must be charged to the owner or operator of the vehicle, in addition to all outstanding fines and penalties assessed pursuant to violations of this chapter plus any towing and storage costs incurred. All such fines, penalties, cost and charges [shall] must be paid to the County before the owner may reclaim or secure the release of the vehicle.

Sec. 2. Expedited Effective Date; Prior Regulations.

The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date on which it becomes law. Any fee, charge, or fare in effect when this Act takes effect must remain in effect until amended by Council resolution as provided in Section 2-57, as amended by Section 1 of this Act.

Approved:

Steven A. Silverman, President, County Council

Date

Approved:

Douglas M. Duncan, County Executive

Date

This is a correct copy of Council action.

Mary A. Edgar, CMC, Clerk of the Council

Date